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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LODI TOWNSHIP, a Michigan municipal  
Corporation  
Plaintiff, Counter-Defendant

v.

Case No. 06-13662  
Hon Avern Cohn

ROBERT LINDOW  
Defendant, Counter-Plaintiff

v.

JAN GODEK, MICHAEL BICKEL, DAVID BRAMMER,  
KATHRYN BRAMMER, JESSE O'JACK  
Third Party Defendants,  
Jointly and Severally

**F I L E D**  
JUN - 7 2007  
CLERK'S OFFICE  
DETROIT

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Guy T. Conti  
Assistant Lodi Township Attorney  
105 Pearl Street  
Ypsilanti, MI 48197  
(734) 481-1234

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Robert Lindow  
Pro se Defendant/Counter Plaintiff  
129 Republic Ave.  
San Jose, CA 95116  
(408) 602-6283

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**RESPONSE TO MOTION FOR DISMISSAL AND REMAND**

Now comes Robert Lindow and in response to the "Motion for dismissal and remand" objects to the motion and in further support of this objection submits the following brief.

Respectfully submitted:



Robert Lindow  
Counter-Plaintiff  
129 Republic Ave.  
San Jose, CA 95116  
408-206-6283

**BRIEF IN SUPPORT OF RESPONSE  
TO MOTION TO DISMISS**

1. That Robert Lindow is a resident of the State of California.
2. That this case involves the Federal Constitutionally and interpretation of the Lodi Township zoning ordinances and the enterprise entered into by the third Party Defendants to unlawfully deprive Counter-Plaintiff of his property and other Constitutional rights as more fully set forth in the Complaint.
3. That the two of Third Party Defendants are officers, agents, of Lodi Township and used their offices and influence to subvert the township powers in bringing the underlying action.
4. That the township, or its agents, desired to deny the placement of "modular" homes on a site. Thus an enterprise was formed with the object to hinder and delay the division of the land into parcels and further cause the modular home to be classified by "junk."
5. That it was not obvious to an ordinary observer the extent to which the enterprise would go to further their actions, i.e. providing false evidence at the state court hearing.
6. That the zoning ordinance in question, although adopted by the Township, is poorly drafted and lacks clarity and fails to define the terms.
7. This lack of clarity and definition of terms allowed the Third Party Defendants to use their offices and connections with the township to commence the state action. Further, it allowed the Third Party Defendants to assert that the terms of the zoning ordinance applied to the present circumstances without unduly enlarging the definitions (as set forth in Webster's Dictionary) of common words and phrases. For example there is no reference in the zoning ordinance to a "modular" home. However, the Township, through its employees and agents have alleged that a modular home is "junk" and not allowed by the ordinance.
8. Further, the zoning ordinance does not allow delegation of duties to third parties such as the township engineer. However, the township engineer failed, refused and neglected to perform his duties as set forth in the zoning ordinance, and demands sums were paid not covered by the township ordinance. The engineer, to further the objects of the enterprise, hindered and objected to many matters that were not covered by the zoning ordinance.

9. That without the aid of this Court, irreparable harm will result to the Counter-Plaintiff in that his property and equipment will be destroyed. Further that the Township will continue to deny the orderly division of the land in contra to the written zoning ordinance.

Respectfully submitted:

Robert Lindow  
129 Republic Ave.  
San Jose, CA 95116  
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Certificate of Mailing

I, Robert Lindow do hereby certify that on this date I caused a copy of the response to motion to dismiss to be placed in an envelope and deposited, first class postage prepaid, in the United States Mail, to the following:

Guy T. Conti  
Assistant Lodi Township Attorney  
105 Pearl Street  
Ypsilanti, MI 48197

Dated: June 1, 2007



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Robert Lindow  
129 Republic Ave.  
San Jose, CA 95116